



Date: November 16, 2004

In reply refer to: Advisory-1104

Subject: Gifts and Gatherings

To: All OCFO Employees

The following reminders are provided to assist you in making the appropriate ethical decisions as the traditional holiday season approaches.

Gifts between Employees

Supervisors must guard against the appearance of favoritism, even though regulations state that there are no restrictions on gifts between peers or from superiors to subordinates. While supervisors are generally barred from accepting gifts from subordinates, the regulations provide a number of exceptions. For example, subordinates may:

- Share expenses for food and refreshments for an office party;
- Offer traditional levels of hospitality in their personal residence. For example, hosting a dinner party or bringing a gift, such as wine and/or flowers, to a dinner party;
- Give gifts, suitable to the occasion, in recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child;
- Give items, other than cash, with an aggregate market value up to \$10.00 per occasion.

Gifts from Outside Sources

An employee shall not solicit a gift from a prohibited source¹ or use his or her position as a basis to solicit a gift from any source. Generally, unsolicited gifts voluntarily offered either from prohibited sources or because of the position held by the recipient are also prohibited. Employees may, however, accept:

- Greeting cards and trinkets of little intrinsic value (such as promotional items);
- Gifts valued at \$20.00 or less and not aggregating more than \$50.00 per annum from the same source if the acceptance does not present the reality or appearance that the gift is in response to an official act benefiting the giver;
- Gifts based upon a family relationship or close personal relationship.

Attendance at Outside Holiday Parties and Receptions

Holiday season hospitality offered by prohibited sources is governed by the same general rule as is applied to gifts, with the following exceptions:

¹ A "prohibited source" is any person, company, or organization that is seeking official action from your agency; has business with your agency; seeks to do business with your agency; conducts operations regulated by your agency; seeks to influence your agency's policies or regulations; has interests that may be affected by your official duties; or, is an organization in which a majority of its members are prohibited sources.

- The value of refreshments does not breach the \$20 per occurrence and \$50 annual caps;
- The event is an open-house type of reception—free to a broad class of individuals, such as all government employees;
- The reception is a “widely attended” gathering attended by a large and diverse group of persons and your attendance is cleared with your Agency Ethics Advisor;
- Your attendance is to accompany your spouse, whose invitation stems from the spouse’s activities and is unrelated to your USDA position; or
- The basis of your invitation is clearly unrelated to your USDA position. For example, a holiday party hosted by a former employer.

Office Parties

There are few explicit rules governing office parties. Goodwill moderated by common sense and concern for public perception should rule. However, please remember:

- Do not use appropriated funds for refreshments, and do not solicit refreshments, door prizes or any other items of value from outside sources.
- Granting administrative leave for the duration of a duty-hours event does not mean that overtime is to be afforded for an after-duty-hours event.

The above are the *basic rules* governing gifts and gatherings. Therefore, if you have questions or encounter situations not covered by this memorandum, please contact your supervisor. Supervisors with inquiries should contact the Agency Ethics Office at 504-426-0308 or 504-426-0344 or view the appropriate training modules at <http://www.usdaethics.net/training/index.htm>.



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